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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

LONNIE R. STALSBERG, as trustee
to the Ralph O. Stalsberg Irrevocable
Trust I; and RALPH O. STALSBERG,
individually,

Plaintiffs, Counterclaim-Defendants,

v.

NEW YORK LIFE INSURANCE
COMPANY; and NEW YORK LIFE
INSURANCE AND ANNUITY
CORPORATION,

Defendants, Counterclaim-Plaintiffs.

**ORDER OF DISMISSAL
WITH PREJUDICE**

Case No. 2:07-cv-00029 BSJ

(Consolidated with Case
No. 2:07-cv-00038 TC)

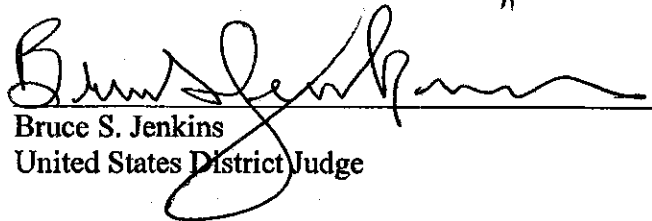
Hon. Bruce S. Jenkins

The stipulation of the parties having been carefully considered and with good cause
appearing therefor:

FILED
U.S. DISTRICT COURT
2008 OCT 14 P 1:35
DISTRICT OF UTAH
BY: DEPUTY CLERK

IT IS THEREFORE ORDERED that the above-entitled action, including both Case No. 2:07-cv-00038 TC that was consolidated into this case and stayed pursuant to the Court's consolidation order dated March 6, 2007 [Docket No. 8] and this Case No. 2:07-cv-00029 BSJ, be and is hereby dismissed with prejudice and upon the merits, each party to bear its own costs and attorney fees incurred herein.

DATED this 14 day of October, 2008.


Bruce S. Jenkins
United States District Judge

Approved as to form:

/s/ Erik Christiansen
Erik Christiansen
PARSONS BEHLE & LATIMER

Attorneys for Plaintiffs